

## Bereskin &amp; Parr

Barristers and Solicitors/Patent and Trade Mark Agents  
Practice Restricted to Intellectual Property Law

February 11, 2002

Micheline Gravelle B.Sc., M.Sc. (Immunol.)  
416 957 1682 mgravelle@bereskinparr.com

Your Reference: 09/645,593  
Our Reference: 9369-151

**By Facsimile**

The Commissioner of Patents  
& Trademarks  
Washington, D.C. 20231  
U.S.A.

Dear Sir:

**Re: RESPONSE TO OFFICE ACTION**  
United States Patent Application No. 09/645,593  
Entitled: Flax Seed Specific Promoters  
Inventors: Sarita Chaudhary, Gijs van Rooijen, Maurice Moloney  
and Surinder Singh  
Filing Date: August 25, 2000  
Examiner: David H. Kruse  
Art Unit: 1638

---

The present letter is filed in response to the office action of January 11, 2002.

Applicant provisionally elects Group IV, the claims readable thereon as being claims 1-23, which are drawn to a method of expression of a nucleic acid sequence comprising a seed-specific promoter obtained from flax wherein said flax seed-specific promoter comprises the nucleic acid sequence as shown in SEQ ID NO:8, transgenic flax plants and seed prepared by said method, a nucleic acid having the sequence of SEQ ID NO:8, a chimeric nucleic acid comprising said nucleic acid, a method for the expression of a nucleic acid sequence of interest in a plant seed comprising said chimeric nucleic acid and plants transformed therewith. This is without prejudice to Applicant filing divisional applications to the Groups I, II and III inventions.

In view of the foregoing, an office action or notice of allowance is respectfully requested. Should the Examiner deem it beneficial to discuss the application in greater detail, he is kindly requested to contact the undersigned by telephone at (416) 364-7311 at his convenience.

- 2 -

Respectfully submitted,

**Sarita Chaudhary et al.**

*Anita Nadar*

Anita Nadar

Reg No. 47,366

*for* Micheline Gravelle

Registration No. 40,261

Bereskin & Parr  
Box 401, 40 King Street West  
Toronto, Ontario  
Canada M5H 3Y2

(416) 364-7311

**Bereskin & Parr** 

Box 401  
Scotia Plaza  
40 King Street West  
Toronto, Ontario  
Canada M5H 3Y2  
Telephone: (416) 364-7311  
Facsimile: (416) 361-1398

**TELEFAX TRANSMITTAL**

TO: U.S. Patent & Trademark Office

ATTN: David H. Kruse - Examiner, Art Unit No. 1638

FAX NO.: 703-746-5068 TEL. NO.: 703-306-4539

RE: Serial No. 09/645,593 filed August 25, 2000 Our File No.: 9369-151

FROM: Micheline Gravelle, Registration No. 40,261

DATE: August 9, 2002 PAGES: 6  
(Including cover sheet)

If transmission is interrupted or of poor quality, please notify us immediately by calling (416) 364-7311 and asking for Jenny Lo at extension 6277.

Dear Examiner Kruse:

Please find attached a copy of a response that was faxed to the U.S. Patent Office on February 11, 2002, a copy of our facsimile transmission confirmation and an Auto-Reply Facsimile Transmission received from the U.S. Patent Office.

Please do not hesitate to contact us should you have any questions.

Regards.

**CONFIDENTIAL**

This communication may contain information that is privileged or confidential and is intended only for the use of the individual to whom it is addressed. Any other distribution, copying or disclosure is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us by mail. Thank you.

## Auto-Reply Facsimile Transmission



TO:

Fax Sender at 416 361 1398

Fax Information

Date Received:

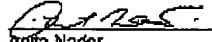
2/11/02 3:10:14 PM [Eastern Standard Time]

Total Pages:

3 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 702.04 et seq.

Received  
Cover  
Page  
=====>

<p>08/11/02 10:12 FAX 416 361 1398</p> <p><b>Bereskin &amp; Parr</b> </p> <p>Box 401 Scotiabank Plaza 40 King Street West Toronto, Ontario Canada M5H 3Y2 Telephone: (416) 364-7311 Facsimile: (416) 361-1398</p>		<p>RECEIVED FEB 12 2002 BERESKIN &amp; PARR</p>
<p><b>TELEFAX TRANSMITTAL</b></p> <p>TO: <u>U.S. Patent &amp; Trademark Office</u></p> <p>ATTN: <u>David H. Kruska - Examiner, Art Unit No. 1633</u></p> <p>FAX NO.: <u>703-872-9306</u> TEL. NO.: <u>703-306-4538</u></p> <p>RE: <u>Serial No. 09/645,593 Filed - August 25, 2000 Our File No.: 9389-151</u></p> <p>FROM: <u>Anita Nador, Registration No. 47,366</u></p> <p>DATE: <u>February 11, 2002</u> PAGES: <u>3</u> (including cover sheet)</p> <p>If transmission is interrupted or of poor quality, please notify us immediately by calling (416) 364-7311 and asking for Jenny Lo at extension 6277.</p> <p><b>CERTIFICATION OF FACSIMILE TRANSMISSION</b></p> <p>I hereby certify that the attached Response is being facsimile transmitted to the U.S. Patent &amp; Trademark Office on the date shown below.</p> <p> Anita Nador Registration No. 47,366</p> <p>February 11, 2002 Date</p>		
<p><b>CONFIDENTIAL</b></p> <p>This communication may contain information that is privileged or confidential and is intended only for the use of the individual to whom it is addressed. Any other distribution, copying or disclosure is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us by mail. Thank you.</p> <p>Received from &lt;416 361 1398&gt; at 2/11/02 3:10:14 PM [Eastern Standard Time]</p>		

08/09/02 FRI 15:41 FAX 416 361 1398  
02/11/02 MUN 15:13 FAX 416 361 1398

4003  
001

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO	4341
CONNECTION TEL	
CONNECTION ID	
ST. TIME	02/11 15:12
USAGE T	00'54
PGS.	3
RESULT	OK

Bereskin & Parr 

Box 401  
Scotia Plaza  
40 King Street West  
Toronto, Ontario  
Canada M5H 3Y2  
Telephone: (416) 364-7311  
Facsimile: (416) 361-1398

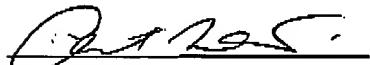
**TELEFAX TRANSMITTAL**

TO: U.S. Patent & Trademark Office  
ATTN: David H. Kruse - Examiner, Art Unit No. 1638  
FAX NO.: 703-872-9306 TEL. NO.: 703-306-4539  
RE: Serial No. 09/645,593 Filed - August 25, 2000 Our File No.: 9369-151  
FROM: Anita Nador, Registration No. 47,366  
DATE: February 11, 2002 PAGES: 3  
(Including cover sheet)

If transmission is interrupted or of poor quality, please notify us immediately by calling (416) 364-7311 and asking for Jenny Lo at extension 6277.

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the attached Response is being facsimile transmitted to the U.S. Patent & Trademark Office on the date shown below.

  
Anita Nador  
Registration No. 47,366

February 11, 2002  
Date

**CONFIDENTIAL**

This communication may contain information that is privileged or confidential and is intended only for the use of the individual to whom it is addressed. Any other distribution, copying or disclosure is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us by mail. Thank you.